

Applicant submits that no combination of the cited references teaches or suggests an ocular device comprising “a fluid drainage tube [...] adapted to locate the device on the inner surface of the sclera in a suprachoroidal space formed by cyclodialysis,” as recited in claim 1.

Joseph describes an aqueous humor drainage device designed specifically for attachment to the outer surface of the sclera of the eye. (Figures 2, 4, and 5; col. 2, lns. 20-22; claim 1). Similarly the device of Christopher is designed for attachment to the outer surface of the sclera, enabling the release of fluid from the anterior chamber onto the sclera.

Such devices suffer numerous disadvantages described in the specification of the present Application. For example, the problem of scarring around the external opening of such devices in the subconjunctival space is discussed at page 2, lines 16-25 of the present specification. Additionally, as discussed at page 3, lines 5-7 of the specification, scarring remains a significant problem in external drainage devices, such as those of Joseph and Christopher, where aqueous drains into the conjunctiva or into surgical chambers in the sclera.

It is deficiencies associated with devices such as those of Joseph or Christopher which exemplary embodiments of the present invention address and overcome with a fundamentally different approach to implantation of a drainage device. Specifically, as recited in claim 1, the device is adapted to be located “on the inner surface of the sclera in the suprachoroidal space formed by cyclodialysis.” Exemplary embodiments of the present invention describe a flexible and foldable device for insertion through a small incision onto the inner surface of the sclera, between the sclera and choroids, rather than being sutured to the outside of the sclera as required

by prior art devices. This fundamental difference overcomes the problems of scarring associated with prior art devices.


Therefore, in view of the above, Applicant submits that claim 1 is patentable over the cited combination of references and that claims 2-8 are patentable at last by virtue of their dependence. Applicant respectfully requests that the rejection of claims 1-9 be reconsidered and withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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